

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

NATHAN ROBERTS, et al.,)	CASE NO. 1:23CV1597
)	
Plaintiffs,)	JUDGE PATRICIA A. GAUGHAN
)	
v.)	Magistrate Judge James E. Grimes, Jr.
)	
PROGRESSIVE PREFERRED)	<u>JOINT STIPULATION TO EXTEND</u>
INSURANCE COMPANY, et al.,)	<u>DEADLINE TO ANSWER OR</u>
)	<u>OTHERWISE MOVE</u>
Defendants.)	

Plaintiffs Nathan Roberts and Freedom Truck Dispatch LLC (collectively, “Plaintiffs”) and Defendants Progressive Insurance Company, Progressive Casualty Insurance Company, and Circular Board Inc.¹ (collectively, “Defendants”) have jointly agreed to a schedule (subject to this Court’s approval) for briefing Defendants’ motions to dismiss Plaintiffs’ Class-Action Complaint (“Complaint”) [Doc. 1], in which Plaintiffs allege that Defendants violated a federal civil rights statute, 42 U.S.C. § 1981, in connection with a grant program for Black-owned small businesses. Plaintiffs have not yet served the Complaint, and Defendants have agreed to waive formal service as part of the parties’ agreement to the following deadlines:

- Defendants’ Motions to Dismiss and Memoranda in Support: **December 13, 2023**
- Plaintiffs’ Opposition(s): **February 14, 2024**
- Defendants’ Replies: **March 15, 2024**

This agreed briefing schedule will allow the parties sufficient time to brief the legal issues raised by the Complaint, will streamline briefing for the multiple parties in this action, will not unduly delay this case, and will avoid costs associated with formal service of process. The parties

¹ The Complaint names “Circular Board LLC” as a Defendant, but the correct name of the entity is Circular Board Inc.

therefore respectfully request that the Court approve this Joint Stipulation and enter the agreed briefing schedule.

Respectfully submitted,

/s/ Julie Byrne (per consent)

Joseph P. Ashbrook (0091279)
Julie E. Byrne (0085174)
Ashbrook Byrne Kresge
P.O. Box 8248
Cincinnati, Ohio 45249
Phone: (513) 827-1776
Email: jpashbrook@ashbrookbk.com
Email: jebyrne@ashbrookbk.com

*Attorneys for Nathan Roberts and
Freedom Truck Dispatch LLC*

/s/ Halden R. Schwallie

Michael N. Ungar (0016989)
Dolores Garcia (0085644)
Halden R. Schwallie (0093665)
ULMER & BERNE LLP
Skylight Office Tower
1660 West 2nd Street, Suite 1100
Cleveland, Ohio 44113-1406
Facsimile: (216) 583-7001
E-mail: mungar@ulmer.com
Email: dgarcia@ulmer.com
E-mail: hschwallie@ulmer.com

Attorneys for Defendant Circular Board Inc.

Neal Kumar Katyal
David M. Foster
HOGAN LOVELLS US LLP
555 Thirteenth Street, N.W.
Washington DC 20004
Phone: (202) 637-5600
Email: neal.katyal@hoganlovells.com
Email: david.foster@hoganlovells.com
Pro hac vice applications forthcoming

Attorneys for Defendant Circular Board Inc.

/s/ Michael Ruttinger

Michael Ruttinger (0083850)
TUCKER ELLIS LLP
950 Main Avenue, Suite 1100
Cleveland, OH 44113
Phone: (216) 696-4456
Email: michael.ruttinger@tuckerellis.com

*Attorney for Defendants Progressive Preferred
Insurance Company and Progressive Casualty
Insurance Company*

Stephanie Schuster
1111 Pennsylvania Ave, NW
Washington DC 20004
Phone: (202) 373-6595
Email: stephanie.schuster@morganlewis.com

Emily DeSmedt
502 Carnegie Center
Princeton, NJ 08540
Phone: (609) 919-6673
Email: emily.desmedt@morganlewis.com

Hanna Martin
101 Park Avenue
New York, NY 10178
Phone: (212) 309-6000
Email: hanna.martin@morganlewis.com

Pro hac vice applications forthcoming

*Attorneys for Defendants Progressive Preferred
Insurance Company and Progressive Casualty
Insurance Company*

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of September, 2023, a copy of this Joint Stipulation to Answer or Otherwise Move was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Halden R. Schwallie
*One of the Attorneys for Defendant
Circular Board LLC*